

12:00P  
12/3/86

MDNR-Lansing office,  
Meeting re BASF Site

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Keith Fry  
David Schneider

Leonard Lipinski - MDNR  
Connie Puchalski - EPA  
Bonnie Eder

US EPA RECORDS CENTER REGION 5



## ① central swale (CP)

- maintenance problem  $\rightarrow$  cracking + leaking  
CA: primary leakage (95%) at joints  
not a gross leak - water on top  
rootbed in color - doesn't look very good -  
have tried on several occasions - some  
success in getting leaks fixed - but go  
back another opened up - some  
repeaters - not always same  
joints leaking  
have a new material - a  
water catalyzed polymer grout mat'l  
planning to install before winter  
if doesn't work - have design problem -  
suggests (in spring) - reevaluate  
whole concrete system - turn over  
to a techn. com. to come up w/a  
better sol'n

L.L.: seeps elsewhere - on sides of drain  
an upper head contributing to problem  
CA: water elevations of river high  $\rightarrow$  river  
wates up to 1/3 way up ditch -  
hydraulics diff. from what it  
was when designed

CA: believes something needs to be done + will stick with it

KF: put in joints to accommodate movement of concrete (expanding + contracting w/ temp. changes) - designed to come apart

~~then have the joints come apart~~

CA: rather - need an elastic seal

Sd: also - seeps at top that come down into ditch

## ② monitor wells (CP)

- why or when MW's removed - explain?

CA: will ask KF to do that

CA is satisfied that co. has tried to act responsibly + in w/ laws of MI + in w/ intent of CD.

clear from corresp., have diff. pts. of view  
took position it isn't worth arguing on -  
will put them in - will place them  
where we want them

KF was rep. to negotiating team →  
my understanding of agreement  
parties reached

dealt w/ couple of complex issues  
early draft - because site so dry - discuss  
what do w/ MW that had no water  
in it from day 1

early drafts described this

John said - when put hole into ground

John is  
John  
Schauver

if no water, must fill hole  
(Minerals Act)

so John said if agree to comply w/ St Law  
[Id: if "abandoned"]

this is precisely what was done w/ 2 of the wells  
language in CD says will be in compliance  
w/ MI Law

[S: abandoned → no useful purpose]

so trying to write CD - not getting anywhere  
so John said must just comply w/ St Law  
this is context in which people dealing w/  
this came to decision

#8 + #4E ~~WTF~~ are the 2 wells  
(4's)

CA: ~~have 2 ?'s~~  
what do w/ well dry or shy of water?

Ans: comply w/ MI Law  
[closed in June - KF]

2- what to w/ well w/ in sufficient water?  
Ans: see CD for language

none of wells fit criteria described in CD  
we're talking about

CP: are you saying that if well is initially dry,  
will always be dry?

KF:

2 answers

1 well 4- near water's edge - 2 elev. of water -

if could have anticipated river would rise 2'  
(at historic high) - not unreasonable  
assumption that #4 would cont. to be dry

2) well 8 - down to clay layer - was dry <sup>bottom of well</sup>  
was below mean low water level ~~#2~~ of  
river

SL: what kind of mat'l drilled into -  
too bad no well logs. . .

KF: yes, there are - we have them

CP: can we get copy of well logs?

KF: Yes - in field notes

KF: A COE rep was onsite during  
drilling - has boring logs  
- etc. -

CP: Well 8 not in Feb - still dry in June -  
well always be dry.

KF: Yes

Screened section is below mean  
water level of river

CP: move onto 7 + 10

KF: 7 + 10 drilled in presence of  
4 people:

SL  
Schawer  
Miller  
Belostrandich

SL: no - was already drilled - we not there

KF: his man Piper there who called KF

CD required upgr. well  $\rightarrow$  #7

7 put in ground - came up dry  
had duty to produce upgr. well  
so moved w/ 50' radius - ~~well dry~~ -

tried again / dry / discussion

Schauver, Belo, Lip, Miller, & Tom  
Piper agreed to drill at #10

so - Piper told KF

another desc at site <sup>said people at site are</sup>  
Piper called KF again -  $\rightarrow$  agreement

that no purpose in pursuing  
upgr. well

yes - 10 closed out in June

CP: trying to understand

drill 7 / dry

drill 10 / dry

then left them there

KF: we left things until June .....

if agreement amongst reps. at site -  
then that was it

never had anything in writing

field reps. had authority to make decision

KF: - we're prepared to go back & put wells in  
- but need document from MI stating if  
well is dry, can leave wells (not illegal)  
→ can maintain a dry hole at the site

CP: if you could produce this law - I'd like to see it

KF: would like to leave it to John Schaeffer  
- to MI

- we believe we were in compliance w/ . . .  
& w/ knowledge of Agencies people

CP: how? (~~have~~ knowledge)

KF: we <sup>(Agencies)</sup> should have noticed - no we didn't  
tell ~~us~~ us <sup>(Agencies)</sup>

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CP: I should tell you  
EPA's position -

CD - see pg. 19 : "insuf. level of water"

KF: insuf. sample volume means have some water  
in well

earlier we were talking of well w/ no water

DS: (KF's) to begin with

scientific judgement was that well would not  
produce water at any time

CP: another portion in CD -

(assume diff. b/w dry + insuf.) - Then even <sup>if</sup> para 3C  
does not apply

CP:  
cont.

(just for sake of argument)  
then EPA's position is that before can  
modify sample program, EPA must  
receive 60 day notice  
at least have some kind of discussion  
btwn EPA, DNR, + BASF

(when EPA <sup>etc</sup> drew up CD, placement of these wells  
done for a reason)

KF: you may be correct for 4+8  
but not for 7+10 for field reps gave  
permission

CP: have disagreement over what happened

KF: pt is, we're willing to go back & put  
hole in ground

CP: techn. ? of where we want the wells  
located

KF: both soil borings by Dames + Moore  
& well logs

add'l boring by another firm  
St of MI did borings

(St of MI has this info  
except MW logs)

CP: BASF send MW boring logs + MI gets  
other info to BE

- CP: have a techn. mtg. to decide  
 KF: suggests bringing original people  
 back in to any techn. mtg.  
 CA: start w/ original plan  
 turn clock back & redo the wells -  
 put in 7, again & if dry then  
 move so  
 CP: by looking at records - may be able  
 to pick better location

KF: this site contributes  
 50,000 cf gal to River annually  
 no well produce  $\geq$  1/2 gal/min.  
 very very dry & tight  
 would suggest putting in 8 + 7 w/in 50' of original,  
 & put in 4 (but may have to wait for water to recede)

 would prefer to do in winter  
 when everything is frozen

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- CP: if hit a dry hole - BASF position is "that's it",  
 KF: Yes  
 CP: GA may say pre-drill 8+ is dry - must  
 leave it  
 KF: Only if State says so

CP: (3) latest insp. report  
wells E & F → "pipes lifting" ?

KF: probably talking ~~of~~ of cap →  
protective casing?

SL (4): Well ID question

2 sets results indicate 9S+9D  
yet one well at 9  
& table mentions only a 9

CP: and letter says 6S+6D  
maybe 6 + 9 confused?

CA: I'll have to take this back  
home & work on it

KF: don't remember a double well  
at 9  
possible sampler read well tags upsidown

CP: final pt - DOJ feels  
that US Govt is entitled to  
penalties (I will tell them  
all you told me today) →  
removal of wells w/in 60 day notice

+ if they (DOS) feels that we may have had water in those wells later (the pg 19 of CD - dry us using)

KF: \_\_\_\_\_

LH: has a? - distinction b/w dry + using - If John Schawer says he agrees w/BASF - ~~then~~ would this make a diff?

CP: EPA must be given the 60 day notice - this is in CD -

DS: Sampling + analysis was never begun on these wells required. I've believed notice was ~~given~~ we would have ~~said no~~ given ~~notice~~ + not filed reports stating that we do not have analysis for these wells because they were pulled.  
- must look at good faith involved when looking at penalties

CP: I recognize what you are saying + I'll transmit what you are saying but DOS feels they are entitled to penalty

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DS: how much, etc?

CP: there has been discussion on it

C: penalty being considered →  
60 day notif. so 60 day  
penalty period

& CD says 500/day & 1<sup>st</sup> 30 days  
& 1000/day thereafter

yet 7 of 9 wells provided  
so 7/9<sup>th</sup>s of total — but if went to  
court I do not know if that is what  
they would ask for

DS: have trouble fitting this  
into a category for st. penalties  
<sup>not</sup>

LJ: a failure to construct all the wells  
LJ: a failure to implement 2/9<sup>th</sup>s of  
sampling programs

CP: category DS feels is violated is  
on pg. 30 (certif. [redacted] / com. of mon + sample.)

KF: don't believe we have acted ... --  
CD: tried to avoid its responsibilities  
in any fashion

DS: don't believe any intimation from Agency  
that if no wells would get a penalty

CP: I'll tell Wash. your position \*\*\*

KF: not a? of Co. not doing something  
by putting in wells as per CD & took  
them out as per MI Law  
because have & have spent more \$  
as a result

argument by Wash. that BASF is  
wrong & by not doing what Wash.  
says we should have done not valid

DS: - I hope you'll convey our side of the story  
- not inclined toward pymt of penalties  
- wells <sup>consistent</sup> w/ CD  
- done in good faith

CP: Wash concerned w/  
wells pulled w/out notice & appr by EPA

KF: MI law

maybe need to get original lawyers &  
negotiators when talking  
of penalty

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CP: I'll talk to HQ + DJS  
tomorrow

call me next week?

DS: Yes

DS: any opportunity for us to participate  
in that discussion?  
~~etc~~

CP: I need to talk to them -

but if you want a subsequent  
conver. w/ all involved - OK.

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- decide on wells' replacement

  - well log

- well #S - 6S + 9S + 9D  
+ 6D

- pipe lifting